

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of PHENON M. WEIR, CHARLES
D. WINSTON, RICHARD A. WINSTON,
JUWAN M. WINSTON, TIANNE T. SMITH,
EDWARD SMITH, DAYZA SMITH, and TIA D.
SMITH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

QUINTANA DENESE WINSTON,

Respondent-Appellant,

and

ANDRE WEIR, DOUGLAS JAMES, DAVID
JENKINS, and EDWARD SMITH,

Respondents.

Before: Wilder, P.J., and Griffin and Gage, JJ.

PER CURIAM.

Respondent-appellant Quintana Denese Winston (hereinafter “respondent”) appeals as of right from a circuit court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i).¹ We affirm.

Respondent does not challenge the trial court’s determination that termination was warranted under § 19b(3)(c)(i), but instead contends only that the court erred in finding that termination of her parental rights served the children’s best interests. MCL 712A.19b(5). This

¹ None of the children’s fathers are parties to this appeal.

UNPUBLISHED
July 24, 2003

No. 235327
Wayne Circuit Court
Family Division
LC No. 94-317217

Court reviews a trial court's decision concerning a child's best interests for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Notwithstanding evidence of the existence of a bond between respondent and the children, the record establishes that the children endured an extended period of instability. Indeed, the five oldest children spent a year in the temporary custody of the court between 1994 and 1995, and all eight children were temporary court wards for approximately forty-two months between October 1997 and April 2001. Respondent had a long history of cocaine addiction, extending from at least the time of Edward's birth in May 1994 through April 1998, including the time of Juwan's birth, and a period of relapse in December 1999. Between January 2001 and late April 2001, respondent ceased providing drug screens or participating in her drug treatment program. Respondent also repeatedly welcomed Edward Smith back into her home, despite the children's allegations that Smith had regularly beaten them, and in contravention of her assurances to the court that she would, and court orders directing her to, shield the children from any contact with Smith. During the children's late 2000 return to respondent's care, respondent failed to suitably address or take measures to protect the other children from Edward's sexual behavior problems, and many of the children felt angry with respondent or did not wish to return to her custody.

In light of the children's prolonged lack of stability and respondent's repeated failures to protect the children from further contact with the man who apparently physically abused them, we are not left with the definite and firm conviction that the trial court erred in finding that "even though the children may not be together, the Court does not feel it's in their best interests to continue planning for them with their mother." *In re Trejo, supra* at 356-357; *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996).

Affirmed.

/s/ Kurtis T. Wilder
/s/ Richard Allen Griffin
/s/ Hilda R. Gage